

Consultation Report - Waverley Development Control Plan 2022 – Flood Amendment

2024

Waverley Council acknowledges the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast, and we pay respect to all Aboriginal and Torres Strait Islander Elders both past and present.

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Executive Summary

The draft Waverley Development Control Plan 2022 (DCP) was placed on public exhibition for 4 weeks between 23 June 2023 – 21 July 2023. It sought feedback on changes to the WDCP on proposed updated to flood planning controls and mapping.

Notification letters were sent out to 10,638 residents during the formal public exhibition period and 46 people engaged by providing feedback and an additional 70 submissions were received after the formal exhibition period ended on 22 July 2023 until the time of writing this report. The total quantity of submissions received represents 1% of all notified via mailout.

No submissions were received in support of the exhibited draft amendment. Two thirds of submissions were received by residents with a medium flood risk classification in the exhibited amendment, with the remainder equally split between low and high risk. The primary concerns raised related to the risk categorisation and the perceived potential impact on insurances and property values. Other key themes related to potential implications to development and comments, questions and concerns about the role of Council’s stormwater assets. These concerns informed the additional work that was undertaken and a number of subsequent proposed changes, resulting from this additional work.

Background

After a period of four years of technical investigations and community engagement, Council adopted the Waverley LGA Flood Study in 2021. The study identified flood affected areas based on up-to-date modelling techniques.

Shortly after the adoption of the Flood Study, the NSW Government introduced the Flood Prone Land Package, which brought in changes to the way flood planning is addressed in the Waverley Local Environmental Plan (LEP) and Development Control Plan (DCP). As a result, DCP controls were reviewed and updated to ensure that the risks and impacts of flooding associated with any new development or redevelopment would be appropriately managed. The new flood maps are required for the application of both the LEP and DCP flood related planning controls.

The Draft Waverley DCP - Flood Planning amendment was formally exhibited from 23 June to 21 July 2022. During this time, Council sent over 10,000 letters. The pages below summarise the the community engagement process and activities that took place throughout the process.

Approach and Engagement methodology

In accordance with Waverley Council’s adapted IAP2 model of engagement, three methods were used to gather community feedback:

1. Online survey on the Have Your Say (HYS) platform
2. Webinar with Council officers
3. Emails to Council’s info@waverley.nsw.gov.au and floodplanning@waverley.nsw.gov.au


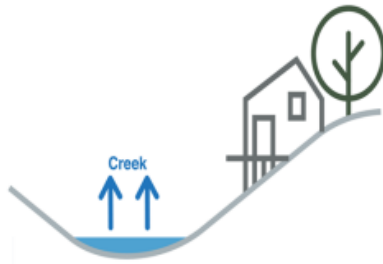
A number of Council communication channels were used to reach residents and encourage them to visit the HYS page and complete the survey.

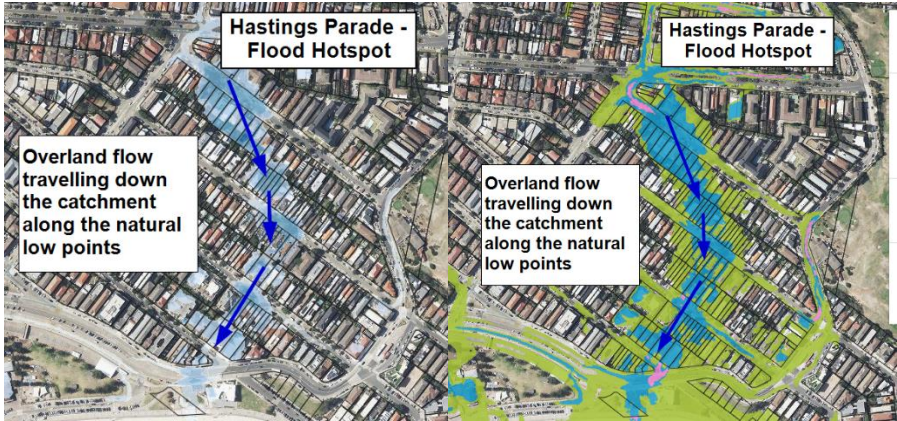
Communication method	Overview	Date	Response
Notification letters	Sent to 10,638 residents including strata lots relating to 4,368 properties.	23 June 2022	N/A
Stories in Waverley Weekly	A story encouraging readers to click the link to the HYS page and fill out the survey	30 June 2022 edition	87 clicks to the HYS page

Social media posts	Facebook post encouraging people to click the link to the HYS page and complete the survey	6 July 2022	1 Like 3 Shares
Engagement method	Overview	Date	Response
Have Your Say (HYS) webpage	A dedicated page on the HYS website that contained background information, relevant documents for download, a survey and contact details for those wanting further information.	23 June 2022 - Present	1641 visitors during the formal exhibition period. 318 visitors following the May 2023 update to residents. 666 Documents downloaded during formal exhibition period. 243 Document downloads following the May 2023 resident update.
Online survey/Letter and email submissions (formal exhibition period)	Recieved feedback via HYS and through emails and letters to Council.	Open from 23 June – 21 July 2022	46
Online survey/Letter and email submissions (outside of formal exhibition period)	Recieved feedback via HYS and through emails and letters to Council.	22 July – Present	70
Online webinar	Director of Assets and Operations Sharon Cassidy, together with other council officers held a public webinar on the topic of the proposed flood amendments in the DCP. It was an opportunity for residents to ask questions and gain a better understanding of why Council needs to update the DCP. A number of Councillors were also in attendance.	30 May 2023	35 community attendees.
Presentation to Precinct Convenynors	Director of Assets and Operations Sharon Cassidy, together with other council officers held a meeting with Precinct Convenynors. This meeting included a presentation on the findings of the additional work undertaken and also consisted of a Q&A session.	25 May 2023	7 attendees.
Emails	Email updates to residents following the closure of public exhibition in response to concerns raised.	23 June 2022 – Present.	3 resident email updates.

Detailed results and responses

The table below provides a summary of the issues raised during public exhibition and a response to each item. Feedback received has been grouped under common theme headings. Items are listed in no particular order and many answers are derived from the comprehensive list of Frequently Asked Questions published on Council's HYS page as part of the May 2023 update to residents.

Topic	Response
Concern and lack of understanding of Flood Risk Precinct classification.	<ul style="list-style-type: none"> The flood modelling outputs from the Waverley LGA Flood Study were adapted to categorise lots as either part of a low, medium or high Flood Risk Precinct (FRP). The FRP approach aligns with the requirements set by the NSW State Government and is considered best practice. Ratings were reviewed as part of the Peer Review process and deemed to be appropriate. The Peer Review can be viewed on Council's HYS website published in May 2023.
Confused as to how flooding can occur in Waverley LGA/to properties located on a hill.	<ul style="list-style-type: none"> There are two types of flood risk: mainstream flooding, where water comes out of a creek, river or other watercourse/waterbody, and overland flow, where rainfall runoff is making its way towards a watercourse/waterbody. <p>The Waverley LGA predominantly has overland flow, where rainfall runoff is making its way towards a watercourse/waterbody. Overland flow is generally shallow, can be fast flowing, occurs during heavy rain events and passes soon after the rain stops.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Overland flow flooding example</p> </div> <div style="text-align: center;">  <p>Mainstream flooding example</p> </div> </div> <p>The following two series of images shows the overland flow path in North Bondi which flows through Hastings Parade toward the beach. The image on the left shows the flood depths of the 1%AEP weather event, with the image on the right displaying the Flood Risk Precinct (FRP) line map (green = low, blue = medium and pink = high). Note that the FRP line map colours are represented differently on this map for operational reasons.</p>

	
No experience of flooding in the area in which a resident lives.	<ul style="list-style-type: none"> The Waverley LGA Flood Study was prepared in accordance with contemporary flood modelling techniques considering different rainfall intensity events. In accordance with industry standards, the study defined the 20% Annual Exceedance Probability (AEP) event (formerly referred to as a 1 in 5 year rainfall event), the 5% AEP event (formerly referred to as a 1 in 20 year rainfall event), the 1% AEP event (formerly referred to as a 1 in 100 year rainfall event) and the Probable Maximum Flood (PMF) event (the largest flood that could conceivably occur at a given location based on the meteorological and hydrologic conditions conceivably possible for the region). The storms in February 2022 were approximately equivalent to a 5% AEP event. It is likely that the flood event in November 1984 in the Waverley LGA was approximately equivalent to a 1% AEP event, when many properties within the LGA experienced flooding from the intense rainfall which occurred. Rarer more severe flooding can occur. Despite living in a property for many years, it is not unreasonable for a resident to have not witnessed these more significant rainfall events.
Assumption FRP rating would affect property value.	<ul style="list-style-type: none"> Council commissioned a review of potential property price impacts which concludes that adoption of new flood maps would unlikely have an impact on property prices and also that previous flood maps which were present in Council's Local Environment Plan had no impact on property values. The report can be viewed on Council's HYS website published in May 2023.
Could not recall consultation during Waverley LGA flood study.	<ul style="list-style-type: none"> Comprehensive engagement was undertaken during the Waverley LGA Flood Study. The consultation report can be viewed on Council's HYS website published in May 2023.
Requirement for existing properties to raise floor levels	<ul style="list-style-type: none"> There is no requirement for existing properties to raise their floor levels. DCP controls will only apply to properties submitting a development application and the extent in which the controls apply, depends on the nature and extent of the works.
Concerns with modelling outputs and accuracy from Waverley LGA Flood Study used to inform the amendment.	<ul style="list-style-type: none"> The findings of the review of the Flood Study concluded that the Flood Study was completed in accordance with the NSW State Government's requirements. The adopted modelling methodology was considered reasonable and appropriate for the catchment. However, it was identified there were limitations in the adopted approach that directly influence the level of confidence in certain (predominantly steeper upper catchment) sections of the catchment. This was clearly acknowledged and it is recommended further investigation of key model limitations and

	<p>assumptions should be considered within the Flood Risk Management Study (the next stage in the Floodplain Management Process set by the NSW State Government).</p> <ul style="list-style-type: none"> • The Peer Review found modelling outputs of the modelling was deemed appropriate for the purposes of the use of FRP maps and application of DCP controls. • Some concerns were raised with regards to whether the sandy soils in Waverley were considered and whether the type dwelling typography (for example variations in density) were used appropriately. It is confirmed that these factors were appropriately input into the modelling used in the Waverley LGA Flood Study. • Questions were also raised about Onsite Stormwater Detention Systems (OSDs) Council requires in many new developments. The Onsite Stormwater Detention Systems were not included within the Waverley LGA Flood Study This is because requirements for OSDs at the time of the Flood Study were not big enough for the weather events being planned for and would be overflowing during large events.
Unhappy with notification letter.	<ul style="list-style-type: none"> • The letter from Council stated “The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk.” • The intent of this line was to explain that the Waverley LGA Flood Study was completed and formally adopted in 2021. The results from the Flood Study were used as the basis for the Flood Risk Precincts and Council cannot go back and change the Flood Study. Feedback received on the draft DCP amendment was considered and responded to accordingly in the proposed updated amendment. By changing from the lot based map to the line map, the risk ratings across many lots has changed to be a truer reflection of the actual flood risk.
Council should be upgrading its stormwater network instead of expanding planning controls to private property.	<ul style="list-style-type: none"> • It is a requirement for Councils in NSW to implement flood planning DCP controls in line with NSW State Government requirements. DCP controls and stormwater assets work to together to reduce flood impacts. • Common to urban areas across Australia, Council stormwater assets which people would be familiar with (kerb and gutter, stormwater entry pits and underground pipes) are typically designed to cater for smaller, more frequent rainfall events, in the order of a 20% AEP event (formerly referred to as a 1 in 5 year rainfall event). In some areas of Waverley Council this stormwater infrastructure is designed to cater for larger storm events up to a 10% AEP event (1 in 10 year rainfall event). Rainfall events more severe than this are typically conveyed within roadways and through low lying open space areas (parks and ovals). • The larger stormwater drains and infrastructure (such as those which discharge at our many beaches) are typically owned, managed and maintained by Sydney Water. Council does own and manage a few of these larger stormwater drains as well. These drains receive the flow from all of the surrounding smaller Council drains before discharging to the ocean or local creeks. These drains are also designed to carry only a certain sized event and their capacity is often exceeded during more significant rainfall

	<p>events with the drain running full and backing up into the catchment. When this occurs, it can mean that water from the Council owned stormwater drains cannot discharge freely and can result in short term ponding and inundation back upstream within the catchment.</p> <ul style="list-style-type: none"> • Council is in the process of undertaking a further step in the process of the NSW Flood Risk Management program, developing Waverley's Floodplain Risk Management Study and Plan. This will involve more detailed investigation into the areas of more frequent and problematic flooding in the LGA and identification of ways of mitigating/reducing these flood impacts.
Implications to insurance premiums.	<ul style="list-style-type: none"> • Council has undertaken research to determine what impacts the draft DCP could have on insurance premiums, to ensure that any implications have been considered. The findings of the research concluded that there was no clear correlation between flood risk related planning controls, mapping and increased insurance premiums and that a variety of factors influence insurance premiums provided by insurers. • The report on insurance premiums can be viewed on Council's HYS website as published in May 2023.
Proposed controls are more onerous for development.	<ul style="list-style-type: none"> • As a legislative instrument, the Waverley Local Environment Plan (WLEP) has more weight in the development assessment process and any relevant appeal which an applicant may make to the Land and Environment Court. Previously, Council defined its Flood Planning Area (FPA) through maps in the WLEP and utilised the relevant flood planning clauses in the WLEP, with minimal controls outlined in the WDCP. Given the limited nature of controls in the WDCP, it was less prescriptive about the types of considerations applicants would need to meet in order to satisfy the WLEP Controls. In addition, the previous maps took a lot based approach to identifying areas affected by flooding. • Under the proposed draft DCP, satisfaction of the relevant DCP controls also means that any flood planning clauses within the WLEP will be deemed to be satisfied. Given the WDCP is not a legislative instrument and is, in nature a guide, will provide more flexibility for the application of controls, to suit different types of developments and circumstances. • In addition, following feedback received in the Peer Review, more flexibility has been incorporated into the proposed amendment including performance criteria, which allows for a merit assessment if the specific controls cannot be met as part of the proposed development.
Applicability of FRP to apartments.	<ul style="list-style-type: none"> • The Flood Risk Precincts apply to the land parcel as a whole, not individual apartments within the building. <p>This means that if the building on that lot was to be redeveloped in the future, the developer would need to be mindful of the flood risk on the site and related planning controls when designing the new building.</p>
People purchasing properties being made aware of the potential flood risk to the property.	<ul style="list-style-type: none"> • It is a requirement to have information on flooding in Section 10.7 Planning Certificates that Council is responsible for issuing. Section 10.7 Certificates are a requirement for the transaction of a property and are typically attached to a contract of sale.

	<ul style="list-style-type: none">• Properties previously marked on the Flood Planning Area maps in Council's Local Environmental Plan (LEP) had this information available on these certificates since the maps were included in the LEP in 2012. Information relating to properties marked on the draft DCP amendment maps has been included on these certificates since it was placed on public exhibition in June 2021 and will remain until adopted or otherwise. Properties tagged as part of the Waverley LGA Flood Study also contained notations on Section 10.7 Certificates during and following the public exhibition period.
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Conclusion

The public exhibition period for the draft Waverley Development Control Plan 2022 (DCP) took place from June 23, 2023, to July 21, 2023. During this time, feedback was sought on proposed updates to flood planning controls and mapping. A total of 10,638 residents were notified through letters, leading to engagement from 46 individuals who provided feedback. Additionally, 70 submissions were received after the formal exhibition period, extending until the preparation of this report on July 22, 2023.

The feedback received during and after the formal exhibition period revealed significant community concerns regarding the proposed amendments. These concerns have been instrumental in guiding additional work, leading to several subsequent proposed changes aimed at addressing the raised issues and enhancing the overall development control plan.

Appendix A – Notification letter



Waverley Council
PO Box 9, Bondi Junction NSW 1355
DX 12006, Bondi Junction
Customer Service Centre
55 Spring Street, Bondi Junction NSW 2022
ABN: 12 502 583 608

Our ref: A20/0261

21 May 2022

Re: Draft Waverley DCP (Amendment 10)

Dear resident

I am writing to you about proposed changes to the Waverley Development Control Plan (DCP), specifically about flood planning in the Waverley Council Local Government Area (LGA).

In April 2021, Council adopted the Waverley Flood Study after comprehensive technical investigations and substantial community engagement. The study identified existing and new flood prone areas which were then categorised as low, medium and high risk.

In July 2021, the NSW Government introduced new flood planning clauses into the Waverley Local Environmental Plan (WLEP) which sets the overarching planning controls throughout the LGA. As a result, Councils were required to define Flood Planning Areas in their DCPs and include controls to suit different types of flood risks and developments.

As a result of Waverley's Flood Study and the NSW Government's reform, planning controls have been prepared to ensure any new development in flood prone areas adequately reduces the risks and impacts of flooding.

The proposed planning controls ensure flood-related risks are appropriately managed and provides flood mitigation provisions relating to things such as; height of floor levels, structural soundness, car parking and driveway access, evacuation and fencing.

As a result of the flood study your property was categorised as having a **<insert type>** flood risk, please scan the QR code or visit haveyoursay.waverley.nsw.gov.au for more of information.

What feedback are we after?

We would like feedback on the proposed planning controls in the draft DCP. The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk.

The draft DCP Amendment 10 will be on public exhibition from Day/Month/Year to Day/Month/Year. To view the documents on public exhibition scan the QR code below from a mobile device.



Contact us
Phone: 9369 8000
Email: info@waverley.nsw.gov.au
Web: www.waverley.nsw.gov.au

Connect with us
facebook.com/whatsonwaverley
twitter.com/waverleycouncil
www.youtube.com/user/WavCouncil

To make a submission, logon to Have Your Say Waverley. If you are unable to use the website for any reason you can provide comment in writing. Please quote reference number **A20/0261**, and address correspondence to:

info@waverley.nsw.gov.au

OR

The General Manager
Waverley Council
PO Box 9
Bondi Junction NSW 1355

Please note that all submissions will form part of Council's public record and as such can be made available for public viewing on request.

If you have any questions or feedback you can email Council's Strategic Town Planning Team at strategictownplanning@waverley.nsw.gov.au

Yours faithfully,

Tim Sneesby
A/Executive Manager, Urban Planning, Policy and Strategy
Waverley Council

Contact us
Phone: 9369 8000
Email: info@waverley.nsw.gov.au
Web: www.waverley.nsw.gov.au

Connect with us
facebook.com/whatsonwaverley
twitter.com/waverleycouncil
www.youtube.com/user/WavCouncil

Appendix B – Social media post

Facebook post 6 July 2022

**Waverley Council**
July 6, 2022 · 🌐

We are exhibiting draft planning controls to ensure that any new development in flood prone areas, adequately reduces the risks and impacts of flooding. For more information do visit have your say and you can provide feedback by 21 July.



[HAVEYOURSAY.WAVERLEY.NSW.GOV.AU](https://www.waverley.nsw.gov.au/haveyoursay)
Draft Waverley DCP (Amendment 10) - Flood Areas
Background In April 2021, Council adopted the Waverley Flood Study after technical investigations and two rounds (2017/18 and 2020) of community engagement. The study identified existing and new flood prone areas whic...

 1

3 shares

 Like

 Comment

 Share



Appendix C – e-newsletter

Waverley Weekly 30 June 2022



Flood-prone areas

To reduce the risks and impacts of flooding, we have proposed changes to planning controls for new developments in flood-prone areas.

Check out the Have Your Say page and provide feedback by 21 July.

MORE

Appendix D – Flyer update to residents

May 2023.

Flood Planning at Waverley Council



What is Council doing to reduce or manage flood risk in the Waverley Local Government Area (LGA)?

In 2021, Waverley Council completed detailed flood modelling of the Local Government Area (Waverley LGA Flood Study). This was the first step in completing the Floodplain Risk Management process set by the NSW Government and provides Council and the community with up-to-date information to better manage flood risk.

Council then developed and exhibited proposed changes to Waverley Council's Development Control Plan (DCP). This included Low, Medium and High-risk areas, and updated planning controls to help ensure that the impacts of flooding associated with any new development or redevelopment are appropriately managed.

The next stage Council will undertake (Flood Risk Management Study and Plan) will involve additional investigations into areas of more frequent and problematic flooding, to identify ways of further mitigating or reducing flood impacts.

My property has been tagged as low, medium or high flood risk – how will this affect my insurance premium?

Most properties in the Waverley LGA would not be considered as needing additional flood insurance cover (under the definition of 'flood' used by all Australian insurers).

Insurance premiums for specific properties and addresses are determined by individual insurance companies assessment of risk and probability of damage – based on best available research, as well as historical events in an area – and are outside of Council's control. The Insurance Council of Australia advises to shop around if you are not satisfied by the premium or cover offered by your insurer.

Council has undertaken research to determine what impacts the draft DCP could have on insurance premiums, to ensure that any implications have been considered. The findings of the research concluded that there was no clear correlation between flood risk related planning controls and mapping and increased insurance premiums and that a variety of factors influence insurance premiums provided by insurers.

My property has been tagged as low, medium or high flood risk in the draft DCP amendment – how will this affect my property value?

Since the draft amendment was exhibited, Council has commissioned a review of potential property price impacts which concludes that adoption of new flood maps would unlikely have an impact on property prices and also that previous flood maps which were present in Council's Local Environment Plan had no impact on property values.

Where can I go for more detailed information?

To find out more information email floodplanning@waverley.nsw.gov.au



Appendix E – Updated Frequently Asked Questions

May 2023.

Frequently Asked Questions

Council's response to residents' concerns and next steps

? What has Council done in response to concerns raised by residents?

Flood Planning and home insurance

? My property has been tagged as low, medium or high flood risk – how will this affect my insurance premium?

? What should you do if you think an insurer has assessed your flood risk incorrectly.

Flood Planning and property values

? My property has been tagged as low, medium or high flood risk in the draft DCP amendment – how will this affect my property value?

? How is information on flood maps and flood risks communicated to potential buyers of property?

Proposed changes to planning controls and flood maps

? Why is Council proposing these planning controls?

? Why was my Flood Risk Precinct in the draft DCP different to my neighbours?

? I've lived in my property for 5, 10, 20 years and have never seen a flood – why is my property still tagged as being subject to a flood risk?

? My house is on a hill, how can it be at risk of flooding?

? The proposed DCP changes are too technical and would seem to require expert consideration as to whether and how they apply to an individual property.

? How will the Flood Risk Precincts and new DCP controls affect the development application process?

? How were the Flood Risk Precinct categories defined?

? What alternative methods of assessing the flood risk to private property and subsequent conditions of development were considered as part of the strategic review process? Why was the Flood Risk Precinct method of Low, Medium, High categorisation chosen

Council's role in managing flood risk through its stormwater drainage network

- ? What else is Council doing to reduce or manage flood risk in the Waverley LGA?

- ? What role do Council's stormwater assets play in reducing from rainfall events to private property?

- ? Council has recently completed works to improve drainage in my area, so why is my property still at risk of flooding?

- ? Why do we need Flood Risk Precincts (Low, Medium and High categories) and planning controls related to flooding?

- ? How does the Type A, B and C categorisation from the Waverley LGA Flood Study relate to the Low, Medium and High risk categorisation within the FRP and associated DCP controls?

Waverley LGA Flood Study

- ? The letter from Council states "The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk".

- ? What consultation has been undertaken? The letter I received in 2022 was the first I've heard about the Flood Study, Flood Risk Precincts and DCP changes.

- ? Why are there multiple versions of the Flood Study available on the internet?